

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Greenbelt Division**

SHADI HASSAN, et al.

Plaintiff,

v.

PEROUTKA & PEROUTKA, P.A., et al.

Defendant

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Case No. 8:11-cv-03094-RWT

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL

COME NOW Plaintiffs Shadi Hassan and Austin Sung and respond to Defendants Peroutka & Peroutka, P.A. and Pasadena Receivables Incorporated's Motion to Compel and for Sanctions.

1. On or about February 1, 2012, Defendants served discovery upon Plaintiffs' counsel
2. On or about March 1, 2012, the parties agreed to a mutual extension to respond to discovery; Plaintiffs now had until March 19, 2012 to respond to the discovery requests.
3. Plaintiffs' counsel met with Plaintiff Sung on March 5, 2012 and Plaintiff Hassan on March 7, 2012.
4. On or about March 19, 2012, Plaintiffs' counsel sent the completed discovery responses to Defendant's counsel.
5. On or about March 20, 2012, Defendants' counsel sent a courtesy reminder that there needed to be a signed affidavit accompanying the responses.
6. Plaintiffs' counsel immediately notified Plaintiffs and instructed them to sign and return the affidavits as soon as possible.
7. Due to circumstances out of his control, Plaintiff Sung was delayed in mailing the affidavit back to Plaintiffs' counsel. Plaintiffs' counsel received the signed affidavit on April 11, 2012.
8. On or about April 12, 2012, Defendants' filed this Motion to Compel.
9. That same day, Plaintiffs' counsel sent the signed affidavits for both Plaintiff Sung and Hassan to Defendants' counsel.

10. Although Federal Rule of Civil Procedure 37 “provides for sanctions against parties or persons unjustifiably resisting discovery”, contrary to Defendants’ characterization, and as discussed above, Plaintiffs answered the Discovery Requests within the time frame agreed upon by the parties

11. Plaintiffs’ delay in providing the affidavits cannot be characterized as resisting discovery and Defendant has not been prejudiced by that delay. Accordingly, Defendants should not be awarded sanctions.

WHEREFORE, Plaintiffs request that this Court enter an order denying Defendants’ Motion to Compel and for Sanctions and grant Plaintiffs such further relief that this Court deems necessary and proper.

Respectfully submitted this 27th day of April, 2012

/s/ Robinson S. Rowe
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2012, I caused a copy of this Response to Defendants’ Motion to Compel and for Sanctions to be served electronically upon Defendant’s counsel.

/s/ Robinson S. Rowe